

ESTTA Tracking number: **ESTTA423729**

Filing date: **08/05/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	HeadBlade, Inc.
Granted to Date of previous extension	08/06/2011
Address	3623 Eastham Drive Culver City, CA, CA 90232 UNITED STATES
Attorney information	Alexa Lewis Mitchell Silberberg & Knupp LLP 11377 W. Olympic Blvd. Los Angeles, CA 90064 UNITED STATES all@msk.com, kls@msk.com Phone:(310) 312-2000

Applicant Information

Application No	85232841	Publication date	06/07/2011
Opposition Filing Date	08/05/2011	Opposition Period Ends	08/06/2011
Applicant	Mark Krakower 35206 Moorbrook Rd Palm Desert, CA 922112786 UNITED STATES		

Goods/Services Affected by Opposition


Class 008. All goods and services in the class are opposed, namely: Cases for razors; Disposable razors; Non-electric razors; Razor blades; Razors; Razors and razor blades
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3563311	Application Date	12/05/2007
Registration Date	01/20/2009	Foreign Priority Date	NONE
Word Mark	HEADBLADE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 008. First use: First Use: 1999/06/01 First Use In Commerce: 1999/06/01 non-electric, hand-held razors


U.S. Registration No.	3253546	Application Date	07/19/2006
Registration Date	06/19/2007	Foreign Priority Date	NONE
Word Mark	HEADBLADE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 2005/10/00 First Use In Commerce: 2005/10/00 Electric razors		

U.S. Registration No.	3062992	Application Date	01/20/2005
Registration Date	02/28/2006	Foreign Priority Date	NONE
Word Mark	HEADBLADE		

Design Mark	HEADBLADE
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2000/01/00 First Use In Commerce: 2000/01/00 caps, hats, T-shirts

U.S. Registration No.	2738431	Application Date	10/29/2001
Registration Date	07/15/2003	Foreign Priority Date	NONE
Word Mark	HEADSLICK		
Design Mark	HEADSLICK		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2002/02/28 First Use In Commerce: 2002/02/28 shaving cream and gels		

U.S. Registration No.	3475849	Application Date	12/13/2007
Registration Date	07/29/2008	Foreign Priority Date	NONE
Word Mark	LOVE HEAD		
Design Mark	LOVE HEAD		
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 2006/03/00 First Use In Commerce: 2006/03/00 T-shirts; Sweat shirts; Hats		
U.S. Registration No.	3344212	Application Date	07/31/2006
Registration Date	11/27/2007	Foreign Priority Date	NONE
Word Mark	LOVEHEAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/03/00 First Use In Commerce: 2006/03/00 Clothing, namely, t-shirts, hats and sweatshirts		

Attachments	77344766#TMSN.jpeg (1 page)(bytes) 78933049#TMSN.jpeg (1 page)(bytes) 78550963#TMSN.jpeg (1 page)(bytes) 76331120#TMSN.gif (1 page)(bytes) 77351856#TMSN.jpeg (1 page)(bytes) 78941820#TMSN.jpeg (1 page)(bytes) 85-232,841 NOTICE OF OPPOSITION VS. HEADSLED (4004629).PDF (12 pages)(91579 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ Alexa L. Lewis
Name	Alexa Lewis
Date	08/05/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

HEADBLADE, INC.,)	
)	
Opposer)	
)	
v.)	Opposition No. _____
)	App. No. 85/232,841
MARK KRAKOWER,)	Mark: HEADSLED
)	
Applicant)	
_____)	

NOTICE OF OPPOSITION

HeadBlade, Inc. ("HeadBlade"), a California corporation with a business address at 3623 Eastham Drive, Culver City, California 90232, believes that it will be damaged by the registration of the mark that is the subject of Application No. 85/232,841, filed by Mark Krakower ("Applicant"), and hereby opposes its registration on the following grounds:

1. HeadBlade is the owner of U.S. registrations in the U.S. Patent and Trademark Office ("PTO") for the following marks:

- | | | |
|----|-------------|-----------------------------------|
| A. | Mark: | HEADBLADE |
| | Reg. No.: | 3,563,311 |
| | First Use: | At least as early as June 1, 1999 |
| | Registered: | January 20, 2009 |
| | Goods: | Non-electric, hand-held razors |
| | | |
| B. | Mark: | HEADBLADE |
| | Reg. No.: | 3,253,546 |
| | First Use: | At least as early as October 2005 |
| | Registered: | June 19, 2007 |
| | Goods: | Electric razors |

- C. Mark: HEADBLADE
 Reg. No.: 3,062,992
 First Use: At least as early as January 2000
 Registered: February 28, 2006
 Goods: Caps, hats, T-shirts
- D. Mark: HEADSLICK
 Reg. No.: 2,738,431
 First Use: At least as early as February 28, 2002
 Registered: July 15, 2003
 Goods: Shaving creams and gels
- E. Mark: LOVE HEAD
 Reg. No.: 3,475,849
 First Use: At least as early as March 2006
 Registered: July 29, 2008
 Goods: T-shirts; sweat shirts; hats
- F. Mark: LOVEHEAD
 Reg. No.: 3,344,212
 First Use: At least as early as March 2006
 Registered: November 27, 2007
 Goods: Clothing, namely, t-shirts, hats and sweatshirts

2. As proof of status and title, attached as Exhibit A hereto and incorporated by reference herein are true and correct copies of the foregoing registrations. (The marks identified above hereinafter are designated as the “Marks” for purposes of this pleading.)

3. HeadBlade has expended considerable funds and made significant efforts in promoting and advertising HeadBlade’s goods identified by the Marks. These goods have enjoyed enormous commercial success and have been the subject of substantial, unsolicited media attention. As a result, HeadBlade has established an enviable reputation, acquired substantial goodwill, and attained distinctiveness and fame in each of the Marks throughout the entire United States.

4. HeadBlade's rights in the Marks notwithstanding, on February 2, 2011, Applicant filed with the PTO Application 85/232,841 to register the mark HEADSLED for "Cases for razors; Disposable razors; Non-electric razors; Razor blades; Razors; Razors and razor blades" (herein "the Opposed Application").

5. HeadBlade's use rights for the Marks are prior to any rights of Applicant to the mark HEADSLED.

6. In view of the similarities between, on the one hand, each of the Marks, and, on the other hand, the HEADSLED mark that is the subject of the Opposed Application, and the relationship between HeadBlade's goods as identified by the Marks and the goods identified in the Opposed Application, it is likely that members of the public will erroneously believe that Applicant's goods originate with, or are in some manner connected or associated with, or sponsored by, HeadBlade, all to the harm of HeadBlade's goodwill and reputation.

7. Applicant's HEADSLED mark so resembles each of the Marks when used on or in connection with Applicant's goods as to be likely to cause confusion, mistake or to deceive, and is therefore precluded from registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

8. If Applicant is granted registration of the HEADSLED mark, it would obtain a prima facie exclusive right to use of its mark that would cause damage and injury to HeadBlade.

WHEREFORE, HeadBlade respectfully requests that this Opposition be granted and that Application No. 85/232,841 be denied registration.

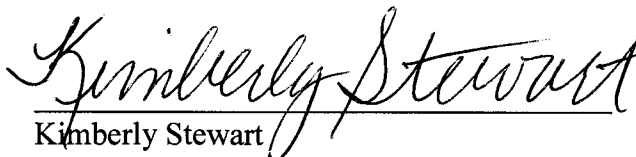
Date: August 5, 2011

HEADBLADE, INC.

By: Alexa L. Lewis
Alexa L. Lewis
Mitchell Silberberg & Knupp LLP
11377 West Olympic Blvd.
Tel: (310) 312-3154
Fax: (310) 312-3200
Attorneys for Opposer

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. §2.195(a) on August 5, 2011.


Kimberly Stewart

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Notice of Opposition was served this 5th day of August, 2011, by first-class mail, postage prepaid, on the following:

Mark Krakower
35206 Moorbrook Road
Palm Desert, CA 92211-2786

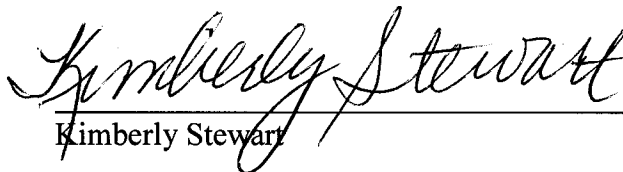

Kimberly Stewart

EXHIBIT A

EXHIBIT A

Int. Cl.: 8

Prior U.S. Cls.: 23, 28 and 44

United States Patent and Trademark Office

Reg. No. 3,563,311

Registered Jan. 20, 2009

**TRADEMARK
PRINCIPAL REGISTER**

HEADBLADE

HEADBLADE COMPANY, LLC (CALIFORNIA
LIMITED LIABILITY COMPANY)
3623 EASTHAM DRIVE
CULVER CITY, CA 90232

OWNER OF U.S. REG. NO. 3,062,992.

SEC. 2(F).

FOR: NON-ELECTRIC, HAND-HELD RAZORS,
IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

SER. NO. 77-344,766, FILED 12-5-2007.

FIRST USE 6-1-1999; IN COMMERCE 6-1-1999.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

MATTHEW MCDOWELL, EXAMINING ATTOR-
NEY

Int. Cl.: 8

Prior U.S. Cls.: 23, 28 and 44

United States Patent and Trademark Office

Reg. No. 3,253,546

Registered June 19, 2007

**TRADEMARK
PRINCIPAL REGISTER**

HEADBLADE

HEADBLADE COMPANY, LLC (CALIFORNIA
LTD LIAB CO)
3623 EASTHAM DRIVE
CULVER CITY, CA 90232

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,388,664.

FOR: ELECTRIC RAZORS, IN CLASS 8 (U.S. CLS.
23, 28 AND 44).

SER. NO. 78-933,049, FILED 7-19-2006.

FIRST USE 10-0-2005; IN COMMERCE 10-0-2005.

CAROLINE WOOD, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,062,992

Registered Feb. 28, 2006

**TRADEMARK
PRINCIPAL REGISTER**

HEADBLADE

HEADBLADE COMPANY, LLC (CALIFORNIA
LTD LIAB CO)
1629 ELECTRIC AVENUE
VENICE, CA 90291

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: CAPS, HATS, T-SHIRTS, IN CLASS 25 (U.S.
CLS. 22 AND 39).

SER. NO. 78-550,963, FILED 1-20-2005.

FIRST USE 1-0-2000; IN COMMERCE 1-0-2000.

MICHAEL LEWIS, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,738,431

Registered July 15, 2003

**TRADEMARK
PRINCIPAL REGISTER**

HEADSLICK

HEADBLADE COMPANY, LLC, THE (CALIFOR-
NIA LIMITED LIABILITY COMPANY)
529 MONTANA AVENUE, #7
SANTA MONICA, CA 90403

OWNER OF U.S. REG. NO. 2,388,664.

FOR: SHAVING CREAM AND GELS, IN CLASS 3
(U.S. CLS. 1, 4, 6, 50, 51 AND 52).

SN 76-331,120, FILED 10-29-2001.

FIRST USE 2-28-2002; IN COMMERCE 2-28-2002.

LESLIE RICHARDS, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,475,849

Registered July 29, 2008

**TRADEMARK
PRINCIPAL REGISTER**

LOVE HEAD

HEADBLADE COMPANY, LLC (CALIFORNIA
LTD LIAB CO)
3623 EASTHAM DRIVE
CULVER CITY, CA 90232

FOR: T-SHIRTS; SWEAT SHIRTS; HATS, IN
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 3-0-2006; IN COMMERCE 3-0-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,062,992.

SER. NO. 77-351,856, FILED 12-13-2007.

MATTHEW MCDOWELL, EXAMINING ATTOR-
NEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,344,212

Registered Nov. 27, 2007

**TRADEMARK
PRINCIPAL REGISTER**

LOVEHEAD

HEADBLADE COMPANY, LLC (CALIFORNIA
LTD LIAB CO)
3623 EASTHAM DRIVE
CULVER CITY, CA 90232

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: CLOTHING, NAMELY, T-SHIRTS, HATS
AND SWEATSHIRTS, IN CLASS 25 (U.S. CLS. 22
AND 39).

SER. NO. 78-941,820, FILED 7-31-2006.

FIRST USE 3-0-2006; IN COMMERCE 3-0-2006.

CAROLINE WOOD, EXAMINING ATTORNEY